

78TH CONGRESS }
1st Session }

SENATE

Calendar No. 508

{ REPORT
No. 496

ANDREW WILLIAMS

OCTOBER 28 (legislative day, OCTOBER 25), 1943.—Ordered to be printed

Mr. WHERRY, from the Committee on Claims, submitted the following

REPORT

[To accompany H. R. 1889]

The Committee on Claims, to whom was referred the bill (H. R. 1889) for the relief of Andrew Williams, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

The facts will be found fully set forth in House Report No. 395, Seventy-eighth Congress, first session, which is appended hereto and made a part of this report, and your committee concur in the recommendations of the House.

[H. Rept. No. 395, 78th Cong., 1st sess.]

The Committee on Claims, to whom was referred the bill (H. R. 1889) for the relief of Andrew Williams, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Page 1, line 6, strike out figures "\$8,000" and insert in lieu thereof the figures "\$3,000".

The purpose of the proposed legislation is to pay to Andrew Williams, of De Ridder, La., the sum of \$3,000, in full settlement of all claims against the United States for personal injuries sustained when he was shot by Clifford Davis, a soldier on military police duty in De Ridder, La., on September 23, 1941.

STATEMENT OF FACTS

Pvt. Clifford Davis, a member of the Forty-fifth Military Police Company, was detailed to the town of De Ridder, La., for the purpose of policing the city and assisting civilian authorities in enforcing regulations regarding the conduct of enlisted personnel on pass. At approximately 12 midnight, on September 23, 1941, Private Davis, at the request of civilian authorities, was checking cafes in the east part of the city for the purpose of stopping any disorder which might come to his attention. While thus engaged, Private Davis heard someone shout: "Stop that short, fat, nigger with the white shirt. He just rolled a man." Observing a man (who turned out to be Andrew Williams) who appeared to fit this description, running across the street, Davis gave chase, calling upon him to stop. Instead of doing so, Williams kept running, with the soldier in pursuit, until he reached the outside stairway of an old store building which had been converted into an apartment house. He started to climb it and had reached the top of the stairs, when Davis, intending to shoot over Williams' head, fired his gun but miscalculated his distance and elevation and shot Williams on the side, the bullet striking and shattering the bone in his right arm and coming out of his right side. He was taken to the local hospital where he was given emergency treatment. Williams was the owner of one or more places of business in the Negro district, particularly the Williams Hotel, of which he was the manager.

It appears that Andrew Williams had never given the authorities any trouble, and that on the occasion in question he was committing no offense, and that his being shot resulted from a case of mistaken identity by Private Davis, who erroneously took him to be "that short, fat nigger with the white shirt" or whoever else it was who had been drinking and creating a disturbance.

Williams incurred hospital and medical expenses in the sum of \$227. He was totally disabled for a period of several months, and found it necessary to engage others to look after his business.

The affidavits of the various witnesses clearly fix the blame on Private Davis. The affidavit of the chief of police of the city where the incident occurs states that his investigation discloses that the shooting was willful and without any provocation whatsoever. This is borne out by the statements of the other affiants.

As stated in the report of the War Department, if the United States waived its immunity as a sovereign, so that its liability would be established by the same rules of law which apply to individuals generally, it would be liable to Williams for his damage, providing he was free from contributory negligence. Williams appears to have been free from such contributory negligence and in nowise at fault. Under the modern view of the law of master and servant, where acts of violence are authorized under particular circumstances, the master is liable for such an act on the part of the servant if the servant believes that the circumstances authorizing it exist. This rule clearly applies to a member of the military police who was at the time acting within the scope of his employment in maintaining order.

The bill was introduced for \$8,000, but your committee have amended the figure to \$3,000, which is believed to be reasonable and just.

Your committee, therefore, recommend favorable consideration of the proposed legislation.

Appended hereto is the report of the War Department, together with other pertinent evidence, all of which is made a part of this report.

WAR DEPARTMENT,
Washington, October 30, 1942.

HON. DAN R. MCGEHEE,
*Chairman, Committee on Claims,
House of Representatives.*

DEAR MR. MCGEHEE: Because of the circumstances in this case, as set forth below, the War Department does not feel warranted in expressing either approval or opposition to the proposed bill, H. R. 7264, Seventy-seventh Congress, second session, to grant relief to Andrew Williams for injuries sustained by him when he was shot on September 23, 1941, by a soldier of the United States Army.

The Department's records of the incident indicate that Pvt. Clifford Davis, a member of the Forty-fifth Military Police Company, was detailed to the town of DeRidder, La., for the purpose of policing the city and assisting civilian authorities in enforcing regulations regarding the conduct of enlisted personnel on pass.

At approximately 12 midnight, on September 23, 1941, Private Davis, at the request of civilian authorities, was checking cafes in the east part of the city for the purpose of stopping any disorder which might come to his attention. While thus engaged, Private Davis heard someone shout: "Stop that short fat nigger with the white shirt. He just rolled a man." Observing a man (Andrew Williams), who appeared to fit this description, running across the street, Davis gave chase, calling upon him to stop. Instead of doing so Williams kept running, with the soldier in pursuit, until he reached the outside stairway of an old store building which had been converted into an apartment house. He started to climb it and had reached the top of the stairs, when Davis, intending to shoot over Williams' head, fired his gun but miscalculated his distance and elevation and shot Williams on the side, the bullet striking and shattering the bone in his right arm and coming out of his right side. He was taken to the local hospital where he was given emergency treatment. Williams was the owner of one or more places of business in the Negro district, particularly the Williams Hotel, of which he was manager.

Hospital and medical expenses were incurred in the sum of \$227. The assistant provost marshal who investigated the incident found that, if Williams found it necessary to engage assistance during a 6-month period of total disability, one bartender, at a monthly cost estimated at \$60 per month, would have been sufficient for the purpose. Investigation discloses that Williams' income is now (September 25, 1942) as large if not larger than it was before the incident, because of the increased patronage of military personnel in the vicinity.

On September 1, 1942, Williams was examined at the station hospital, Camp Polk, La., by officers of the Army Medical Corps, who concluded that he has suffered a total loss of the right upper extremity insofar as active, useful, manual labor is concerned and that the disability resulted from the gunshot wound of the elbow. However, the evidence does not establish that he was engaged in manual labor before the occurrence. It appears that he is 56 or 57 years of age, 5 feet 2½ inches in height, weighs 159 pounds, and is presently engaged at his former duties of bartender, although he may not perform the same as efficiently as he did prior to his injury.

If the United States waived its immunity as a sovereign, its liability would be established by the same rules of law which apply to individuals generally. Under the modern view of the law of master and servant, where acts of violence are authorized under particular circumstances, the master is liable for such an act on the part of the servant if the servant believes that the circumstances authorizing it exist. This rule clearly applies to a member of the military police who was at the time acting within the scope of his employment in maintaining order. Therefore, if the United States were to waive its immunity as a sovereign, and permit itself to be sued, it would be liable to Williams for his damage, providing he was free from contributory negligence. However, because of the Government's immunity as a sovereign, Williams has no legal claim against the United States, and any legislation for his relief would be an act of grace by the Congress and not a recognition of any legal right.

The fiscal effect of the bill will be to authorize and direct the Secretary of the Treasury to pay to Andrew Williams, out of any money in the Treasury not otherwise appropriated, the sum of \$8,000 in full settlement of all claims against the United States for the injuries heretofore discussed.

In conclusion, the War Department prefers to leave the determination of relief, if any, and the amount thereof wholly to the discretion of the Congress, and accordingly submits no recommendation as to the action to be taken on the bill.

The Bureau of the Budget advises that while there would be no objection to the presentation of the report to the committee, the proposed amount of \$8,000 appears to be grossly excessive.

Sincerely yours,

HENRY L. STIMSON,
Secretary of War.

STATE OF LOUISIANA,
Parish of Calcasieu:

Before me, the undersigned authority, a notary public in and for said parish and State, personally came and appeared Andrew Williams, a resident of DeRidder, parish of Beauregard, State of Louisiana, who, after being duly sworn, did depose and say:

That he is the operator of a rooming house, restaurant, and bar in the town of DeRidder, having been a resident and in business in DeRidder for some 35 or

36 years. That he subleases part of his premises to Eddie Williams who operates a restaurant or cafe. That on the morning of September 23, 1941, he left his premises and walked over to the premises of Eddie Williams and requested that Eddie close up his restaurant, as it was after closing hours. Shortly thereafter he returned to his premises accompanied by one Hardie Willis who walked part of the way with him to his premises. Thereafter he started up the stairway leading to his upstairs back porch, but before reaching the top of the stairs he was shot by an M. P. who deponent later learned to be Clifford Davis. Deponent further states that he saw several soldiers standing near the rear of Eddie Williams' premises when he went over to Eddie's restaurant, but deponent did not have any words with the soldiers or any altercation. Deponent further states that after he was shot he grabbed for the railing of the stairway and held on to same, he being about two or three steps from the top of the landing. He then went to the top of the landing and the soldiers, one M. P., Clifford Davis, and another soldier whose name deponent does not know, came to the top of the landing and started tussling with deponent.

The M. P., Clifford Davis, declared to deponent, "God damn you, I will kill you." Upon making this statement, I, Andrew Williams, asked him the following question: "Kill me for what?" And I stated to him that I was the proprietor of both places. Davis replied as follows: "I don't give a God damn who you are. God damn you, I will kill you." I then asked, "Have I ever done anything to you or to any of the rest of you?" He did not reply. While they were tussling with me I requested my wife, who was sitting on the porch along with one of my roomers, Herman Thomas, that she call Dr. Frazier, my family physician. The soldiers immediately grabbed her when she attempted to go call the doctor and threw her down on the porch while she had my small baby in her arms. They stated that they were not going to let me go to my doctor or call my doctor, and they all forced me to accompany them down the stairway, and one of the Army trucks came up and parked in the rear of my premises. We started for Camp Polk, where they intended taking me, but one of the local officers, whose name is Officer Ferry, and someone else, came up and ordered them to take me to the local hospital. Shortly after I arrived at the hospital, accompanied by Officer Ferry and the soldiers, Sheriff Youngblood came in. The sheriff later took Clifford Davis away.

I was shot from the rear, the bullet entering my back and coming out of my back striking my right elbow. As a result of the shot I have lost the use of my right arm, and I was down 42 days, staying in the hospital 15 days under the care of Dr. Frazier. The M. P. could not give any reason for shooting me, but I later learned that he had mistaken me for a soldier even though I was dressed in civilian clothes.

ANDREW WILLIAMS.

Sworn to and subscribed before me, at Lake Charles, La., on this 24th day of April 1942.

[SEAL]

R. H. VAN NORMAN,
Notary Public.

STATE OF LOUISIANA,
Parish of Calcasieu:

Before me, the undersigned authority, a notary public in and for said parish and State, personally came and appeared W. M. Perry, Jr., who, after being duly sworn, did depose and say:

That on or about September 23, 1941, he was a resident of the city of De Ridder, parish of Beauregard, State of Louisiana. That as of that date he was also on the city police force of the city of De Ridder.

Deponent well recalls the incident wherein Andrew Williams, a Negro residing in De Ridder, was shot. On the night of September 22, 1941, deponent was sent to the Negro quarters by his immediate superior, Chief of Police Wilbur "Dutch" LaCaze, as a report had come in that there were a lot of white soldiers in the Negro quarters and trouble was likely to take place. Deponent states that he went to the Negro quarters and while in the Negro quarters the shooting incident occurred. Deponent later learned that Andrew Williams had called in and requested that an officer be sent to the Negro quarters. Deponent further states that while on the police force in De Ridder he had considerable trouble with the white soldiers going to the Negro quarters.

Upon hearing the shot, deponent went to investigate same and went to the rear of the premises of Andrew Williams. There he met Andrew and several

soldiers who were putting Andrew in an Army truck. Deponent was requested by Andrew Williams' wife to take Andrew to the local hospital and in accordance with this request deponent ordered the soldiers to follow deponent and they did so.

At the hospital deponent investigated the wounds received by Andrew Williams and found that he had been shot in the back on the right side, the shot coming out of his back and entering the right elbow and shattering same. Deponent states that he found that Andrew had been shot at close range, as there were powder burns on Andrew Williams' shirt, same being a white shirt. Deponent recalls that Andrew Williams was dressed in civilian clothes.

At the hospital Clifford Davis, the M. P. who did the shooting, surrendered his gun. At that time deponent particularly noticed that one of the soldiers had been drinking, but could not tell whether or not Clifford Davis had been drinking. Clifford Davis could not give any reason for shooting the Negro, Andrew Williams. He lead them to believe that it was a case of mistaken identity.

Deponent has known Andrew Williams for a number of years and states that he is a Negro of good character, having never been in trouble, and is a law-abiding citizen.

W. M. PERRY, Jr.

Sworn to and subscribed before me at Lake Charles, La., on this 28th day of April 1942.

[SEAL]

JOSEPHINE REGAN, Notary Public.

STATE OF LOUISIANA,
Parish of Calcasieu:

Before me, the undersigned authority, a notary public in and for said parish and State, personally came and appeared Modest Williams, a resident of De Ridder, parish of Beauregard, State of Louisiana, who, after being duly sworn, did depose and say:

On or about September 23, 1941, at approximately 12:30 a. m., I was sitting on the upstairs back porch of my premises with one of my roomers, Herman Thomas. My husband, Andrew Williams, had gone over to Eddie Williams' home to request that he close up his restaurant. Our premises and the premises of Eddie Williams are joined by a vacant lot. Shortly after Andrew went over to Eddie's he returned and was coming up the stairs to our back porch when he was ordered to halt by a white M. P. who had followed him part of the way up the stairs. Without any other words than "Halt," the M. P. shot. Andrew was struck in the back and the right elbow. The white M. P. and another soldier who had followed the M. P. immediately rushed up the stairs and began to argue and tussle with Andrew. As soon as Andrew realized that he had been shot he requested that I call a doctor, and I got up to go call a doctor, but the M. P. would not allow me to call the doctor and he forcefully threw me down on the porch. Immediately after the M. P. and the soldier came up the stairway and started tussling with Andrew who had stepped upon the porch, the white M. P. declared that he was going to kill Andrew. Andrew asked him why he wanted to kill him, as he had had no trouble with the M. P. or any of the soldiers. The M. P. did not answer him. The M. P. stated that he was going to take Andrew to the hospital at Camp Polk and was not going to allow Andrew to see his own doctor. After they had cursed, abused, and manhandled Andrew, he submitted to them and allowed them to take him with them down the stairway to their truck which had driven up in the rear of our premises. Some of the local officers drove up right after they got into the truck and they proceeded to take Andrew to the hospital along with the other soldiers. I was sitting on the back porch and I had a clear vision of the entire surroundings in the rear of our premises. I did not see any altercation or hear any words between Andrew and the soldiers prior to the shooting.

Andrew has never been in any sort of trouble and has been in business in DeRidder for quite a number of years. At the present time he is disabled as a result of the shooting. He has lost the entire use of his right arm, the elbow of which was shattered by the bullet from the M. P.'s pistol.

At the time I attempted to call the doctor I had my baby in my arms and the M. P., regardless of the fact that I had my child in my arms, forcefully threw me down on the porch.

Even after Andrew was shot by the M. P., the M. P. continued to poke the gun into Andrew's stomach, stating that he was going to kill him, and at the same time cursed and abused him.

MODEST WILLIAMS.

Sworn to and subscribed before me, at Lake Charles, La., on this 24th day of April 1942.

[SEAL]

R. H. VAN NORMAN, *Notary Public.*

STATE OF LOUISIANA,
Parish of Calcasieu:

Before me, the undersigned authority, a notary public in and for said parish and state, personally came and appeared Eddie Williams, a resident of DeRidder, Parish of Beauregard, State of Louisiana, who, after being duly sworn, did depose and say:

That Andrew Williams came to his residence on the night of September 22, 1941, just a little before 12:30 and requested deponent to close up deponent's reasturant as it was late. That deponent, Andrew Williams, and Ren Scott were all standing on deponent's back porch when this conversation took place. That immediately after this conversation deponent turned and went through the hallway which runs through the center of his house and entered the door to the restaurant, which said door connects the hallway with the restaurant. Just after entering the restaurant, a white soldier entered and asked if a Negro had come in the restaurant. Deponent stated that none had and told him that he could search the premises if he wanted to. The soldier went to the door of the restaurant that enters upon the street and called a white M. P. who came into the restaurant. They both walked out of the restaurant, going through the door that enters the hall and went down the back steps. Deponent followed them and the M. P. saw Andrew going toward his premises, which joins deponent's by vacant property, and the M. P. followed Andrew. The other soldier stayed some distance behind the M. P. Deponent watched Andrew going up the stairs and the M. P. following him. Then deponent heard a shot and ran over to the foot of the stairway where he encountered the soldier and Ren Scott. The soldier would not let deponent or Ren Scott go up the stairs. When deponent arrived at the foot of the stairs he heard Andrew requesting the M. P. and the other soldier to allow him to call a doctor for medical assistance, but the M. P. and soldier tussled with Andrew and would not allow any of us to assist him. They stated that they were going to take Andrew to the hospital at Camp Polk and forcefully tried to bring him down the stairway. Andrew remonstrated the M. P. for having shot him and requested that they leave him alone and he would go with them. Ren Scott left and went to call the officers. Deponent then went on back to his premises.

Deponent states that there was no altercation or conversation between Andrew and the white soldier or M. P. prior to the shooting incident.

EDDIE WILLIAMS.

Sworn to and subscribed before me, at Lake Charles, La., on this 24th day of April 1942.

[SEAL]

R. H. VAN NORMAN, *Notary Public.*

STATE OF LOUISIANA,
Parish of Calcasieu:

Before me, the undersigned authority, a notary public in and for said parish and State, personally came and appeared Ren Scott, a resident of DeRidder, Parish of Beauregard, State of Louisiana, who, upon being duly sworn, did depose and say:

Deponent was on the back porch of Eddie Williams' premises; that the house is located in the northwest corner of the intersection of Second Street and an alley; that there were several white M. P.s in the alley which runs north and south, and they were just in the rear of Eddie Williams' house. Andrew Williams came over to Eddie Williams' home and stopped at the back steps and talked to Eddie and myself a few minutes about closing up Eddie Williams' cafe as it was about 12:30. Then Andrew left and walked back toward his home across the lot which joins Andrew Williams' property with that of Eddie Williams' property. Just after he left a civilian ran through the home of Eddie Williams, which has a

hallway down the middle, and passed me on the porch. Then a white M. P. came into the home of Eddie Williams from the east side and went through the restaurant and came out into the hall that runs down the center of the Williams' home and passed me on the back porch and followed Andrew over to the rear steps on his premises. I followed the first M. P. over towards Andrew's house and got as far as the steps when a second M. P. came by me and stopped me from going up the stairs. Before I reached the premises of Andrew Williams I heard a shot and after I reached the premises the second M. P. would not let me go up the stairs, but the second M. P. went on up the stairs himself and I saw them tussling with Andrew who was requesting that he be allowed to summon a doctor, but the M. P.'s would not allow him to summon a doctor and stated that they were going to take him, Andrew, to the hospital at Camp Polk. Then I left the scene, going to town to try to get the law to come and take care of the matter.

Deponent further states that there was no altercation between the M. P. and Andrew Williams prior to the shooting, as Andrew and the M. P.s had not even had any conversation with each other.

REN (his (x) mark) SCOTT.

Sworn to and subscribed before me, at Lake Charles, La., this 24th day of April, 1942.

[SEAL]

R. H. VAN NORMAN, *Notary Public*.

WILLIE McCRAY.
A. J. TRIMBLE.

STATE OF LOUISIANA,
Parish of Calcasieu:

Before me, the undersigned authority, a Notary Public in and for said parish and State, personally came and appeared Willie Wright, a resident of DeRidder, Parish of Beauregard, State of Louisiana, who, after being duly sworn, did depose and say:

That he arrived at the scene of the shooting of Andrew Williams very shortly after same took place. That he saw the M. P. and the soldier manhandle Andrew Williams after he was shot, and knows that they did not allow him to call his own doctor, and heard the M. P. acknowledge shooting Andrew. That a tussle took place at the top of the stairs after Andrew was shot, during which tussle Andrew repeatedly requested that he be allowed to summon his doctor. That the M. P. and the soldier forced Andrew to accompany them to their truck which had driven up in the rear of Andrew's premises. Shortly after the truck drove up some of the local officers came and they took Andrew and the soldiers to a local hospital.

WILLIE WRIGHT.

Sworn to and subscribed before me, at Lake Charles, La., on this 24th day of April, 1942.

[SEAL]

R. H. VAN NORMAN, *Notary Public*.

STATE OF LOUISIANA
Parish of Calcasieu:

Before me, the undersigned authority, a notary public in and for the Parish of Calcasieu, State of Louisiana, personally came and appeared C. L. Youngblood, a resident of the Parish of Beauregard, State of Louisiana, who, upon being duly sworn, did depose and say:

That he is sheriff in and for the Parish of Beauregard, State of Louisiana, and that he recalls the incident wherein Andrew Williams, a Negro, a resident of the city of DeRidder, Parish of Beauregard, State of Louisiana, was shot by a white M. P. whose name is Clifford Davis, and the incident occurred on or about September 22, 1941, at the approximate hour of 12:30 a. m.

Deponent further stated that he was called on the night of the incident and arrived at the hospital some 10 minutes after the incident occurred. That he arrested the said Clifford Davis at the hospital and later interrogated said Clifford Davis that night. That the said Clifford Davis stated that the reason he shot Andrew Williams was because he thought that the said Andrew Williams was a Mexican soldier who the said Clifford Davis was trying to run out of the Negro quarters. That the said Clifford Davis also stated that he followed the said Andrew Williams up the stairs of the home of Andrew Williams and ordered him to halt and then he shot at the said Andrew Williams. He also stated that he intended to shoot over the head of the said Andrew Williams.

Deponent further states that he examined the clothes worn by Andrew Williams and found powder stains on the clothes which would indicate that the said Andrew Williams was shot from a close range, which would be approximately 3 or 4 feet away.

Deponent states that he saw the wounds of Andrew Williams and that the bullet entered Andrew Williams' back on the right side traveling upward, coming out through his right side and entered his right elbow, shattering same. That the course of the bullet upon entering his back was upward.

Deponent further states that Clifford Davis admitted to deponent that he, the said Clifford Davis, had had no trouble with the said Andrew Williams, but shot him mistaking the said Andrew Williams for a Mexican soldier.

Deponent states that he is well acquainted with Andrew Williams, as Andrew Williams has lived in the city of De Ridder quite a number of years. That said Williams has never been in trouble and has always cooperated with the Sheriff's Department in every manner. That the said Williams has a good character and has always conducted his place of business properly, he being engaged in the business of operating a cafe and rooming house, and saloon.

Deponent further states that he has seen Andrew Williams often since the incident, and that he, Andrew Williams, has lost the use of his right arm as a result of the wound received in his elbow.

Deponent further states that he has had considerable trouble in keeping the white soldiers out of the Negro quarters and on the night the above incident happened there were quite a few white soldiers in the Negro quarters, which is "off-limits" of the said white soldier.

C. L. YOUNGBLOOD.

Sworn to and subscribed before me at Lake Charles, La., on this 16th day of April 1942.

[SEAL]

R. H. VAN NORMAN, *Notary Public.*

STATE OF LOUISIANA,
Parish of Calcasieu:

Before me, the undersigned authority, a notary public in and for said parish and State, personally came and appeared Wilbur "Dutch" LaCaze, a resident of the Parish of Beauregard, City of De Ridder, State of Louisiana, who, after being duly sworn, did depose and say:

That he is chief of police for the department of city police, city of De Ridder, La. That deponent recalls the incident wherein Andrew Williams, a Negro, a resident of the city of De Ridder, was shot by a white M. P. whose name is Clifford Davis. That the incident happened on or about September 22, 1941, at the hour of approximately 12:30 a. m.

Deponent specifically recalls that on the above-mentioned date and some few minutes prior to the occurrence of the shooting, Andrew Williams, who operates a cafe, saloon, and rooming house, called him and requested that he send an officer to his, Andrew Williams', premises as there were quite a few white soldiers on the premises and he was afraid that there would be some disturbance if they were not ordered to leave. That deponent, in accordance with Williams' request, sent Officer Perry to order the white soldiers off of the premises. That while the officer was in the neighborhood and before he could get to the premises of Andrew Williams, the shooting incident occurred.

Deponent further states that he has had, during a period of the last few months, considerable trouble keeping the white soldiers out of the Negro quarters. That on the night of the shooting incident there were quite a number of white soldiers in the Negro quarters. That all of the white soldiers are well informed that the Negro quarters are "off-limits" insofar as they are concerned.

Deponent states that he is well acquainted with Andrew Williams and that the Negro has an excellent character. That he has never been in trouble. That he conducts his business in an orderly and law-abiding manner. That he, Andrew Williams, has done everything in his power to assist the police in the enforcement of the law in and around his premises.

That deponent was called to the scene immediately after the shooting occurred and that he followed the truck which carried Andrew Williams to the hospital. That he assisted the doctor in taking the shirt off of Andrew Williams. That deponent recalls the shirt which Andrew Williams had on and same was white. That Andrew Williams had been shot at very close range as there were powder stains on the shirt.

That from deponent's investigation of the case the shooting was willful and without any provocation whatsoever.

That deponent saw the wound in Andrew Williams' back and in his right elbow, and that the bullet entered his back on the right side, travelling upward, and struck his elbow, shattering same.

WILBUR LA CAGE.

Sworn to and subscribed before me, at Lake Charles, La., this 24th day of April 1942.

[SEAL]

R. H. VAN NORMAN, *Notary Public.*

FRAZAR'S CLINIC,
DeRidder, La., March 12, 1942.

On September 23, 1941, Andrew Williams was brought into the hospital with the following injury:

Bullet entered the chest from the posterior side at the junction of the tenth rib to the spine, traveled laterally to right and made its exit about 4½ inches from point of entrance. Entered the elbow, completely shattering the lower end of the humerus and elbow joint.

Examination on March 11, 1942, revealed a complete ankylosis of right elbow joint.

J. D. FRAZAR, M. D.

○

